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| APPLICATION NO.                                                                       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/734,703                                                                            | 12/13/2000  | Takashi Kikuchiara   | 1419.1045/JDH       | 3347             |
| 21171                                                                                 | 7590        | 01/05/2004           |                     |                  |
| STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      |                     |                  |
| EXAMINER<br>ADDISON, KAREN B                                                          |             |                      |                     |                  |
| ART UNIT                                                                              |             |                      | PAPER NUMBER        |                  |
| 2834                                                                                  |             |                      |                     |                  |

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/734,703

### Applicant(s)

KIKUCHIHARA ET AL.

### Examiner

Karen B Addison

### Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8,10,12,14,21-23,25,28,29,31,32,34,35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,10,12,14,21-23,25,31,32,34,35,38 and 39 is/are allowed.
- 6) ☒ Claim(s) 28-29,37-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 8,10,12,14,21,22,23,25, 31,32,34,and 35 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to show an attachment structure for a motor having a battery for driving the motor, wherein one of the first electrode terminal of the motor and the cylindrical conductive portion of the large case body is connected to a first electrode of the battery through only a conductive member, and the other first electrode and the cylindrical conductive portion is connected to a second electrode of the battery directly.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28-29 and 37-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Tausaki in view of Mabuchi (5343102).

Tsusaki discloses in fig.4-13 a motor comprising: a motor unit having a first (10) and second electrode (11) terminals; and a cylindrical case(6) for covering and securing the motor unit, including a large case body(6) having a cylindrical conductive portion which is directly provided with the first electrode terminal [(10)contact head] Wherein the large case body and the insulating small case body (1) comprise recess portions (fig.2) for connecting the large case body and the insulating small case. Wherein, the first (5) and

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second terminals (6) are electrically connected to the commutator. Tausaki also discloses, a rotor (7) having a first terminal (4) and second terminal (5) in a cylindrical case (6) for covering and securing the rotor, including a cylindrical conductive portion (10) electrically connected to the rotor and directly connected to the second electrical terminal (6) of the rotor (7), and an end case (1) electrically connected to the rotor and directly connected to the first electrical terminal of the rotor. Tausaki does not show the commutator having contact spring, for positioning the motor.

Mabuchi disclose in fig.8-9 a commutator (37) comprising a contact spring (23) and a small case (10) body comprising recess (27) for positioning the motor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention to modify the motor of Tausaki with the commutator and small case of Mabuchi to ensure a stable electrical connection.

In reference to claims 28-29 and 37-38

It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires that ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69, USPQ138.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1,8,10,12,14,17-18,21,22,23,25-26,28-29,31-32,34-35, and 37-38 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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KBA  
December 19, 2003

A handwritten signature in black ink, appearing to read 'N. Ponomarenko', followed by a horizontal line.

**Nicholas Ponomarenko**  
**Primary Examiner**  
**Technology Center 2800**